



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUN 18 1999

General Notice Letter

EXPRESS MAIL
RETURN RECEIPT REQUESTED

John G. Breem, Chairman of the Board
Sherwin-Williams Company, Inc.
101 Prospect Avenue, NW
Cleveland, OH 44115-1075

Re: General Notice Letter and Notice of Negotiations for Remedial Investigation/Feasibility Study;
United States Avenue Burn Site and Route 561 Dump Site ("Sites")
Town of Gibbsboro
Camden County, New Jersey

Dear Mr. Breem:

The U.S. Environmental Protection Agency (EPA) has documented the release of hazardous substances into the environment at the United States Avenue Burn and Route 561 Dump Superfund Sites and adjacent areas, including, but not limited to, Hilliard's Creek (hereinafter, the "Sites"), located in and around the Town of Gibbsboro, Camden County, New Jersey. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. § 9601, et seq., and in response to these releases and the threat of future such releases, EPA has spent public funds and anticipates spending additional public funds.

Under CERCLA and other laws, responsible parties may be held liable for any costs incurred by the government in taking response actions at the Sites. The costs may include, but need not be limited to, expenditures for investigation, planning, cleanup of the Sites, and enforcement actions. Responsible parties may also be subject to orders requiring them to take response

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actions themselves. Based on available information, EPA believes that you and/or your company may be a potentially responsible party with respect to the Sites. Responsible parties under CERCLA include, among others, the current and past owners and/or operators of a facility from which there has been a release or threatened release of hazardous substances, as well as persons who arranged for the transport for disposal or treatment of hazardous substances owned or possessed by such persons. By this letter, EPA notifies you of your potential liability with regard to this matter and encourages you voluntarily to perform or finance those response activities that EPA determines are necessary at the Sites.

In accordance with CERCLA and as you have been previously notified, EPA has already undertaken certain actions and incurred costs in response to conditions at the Sites. These response actions are designed to reduce the potential for exposure to contaminants on-site and limit the movement of contaminants off-site. EPA has performed sampling of the soil, surface water and sediment at the Route 561 Dump Site, the United States Avenue Burn Site and Hilliard's Creek. As a result, measures were taken to restrict access to certain areas of the Route 561 Dump Site by the installation of a chain link fence and to implement certain engineering controls at the Route 561 Dump Site. Actions taken at the Burn Area and the Landfill Area of the United States Avenue Burn Site included physically limiting with appropriate temporary barriers the migration of contaminants into surface waters and adjusting the existing fence line. Actions taken at the Railroad Track Area of the United States Avenue Burn Site included the installation of silt fencing and other temporary barriers in conjunction with sampling and excavation of contaminated soils. EPA anticipates conducting a removal action at Hilliard's Creek in the spring of 1999. EPA also expects that the removal action will initially consist of sampling and analysis and restricting access to portions of Hilliard's Creek by erecting a chain link fence. EPA may expend additional funds for response activities at the Sites under the authority of CERCLA and other laws. As you may be aware, the United States Avenue Burn and Route 561 Dump Superfund Sites were proposed for listing on the National Priorities List on September 29, 1998 and July 28, 1998, respectively.

At present, EPA is planning to conduct the following studies at the Sites:

1. A Remedial Investigation (RI) to identify the nature and extent of the release and threatened release. The goals of this investigation may include:
 - a) identification of local hydrogeological characteristics to evaluate ground water quality and movement in the vicinity of the Sites;
 - b) determination of the extent of soil, air, sediment, and surface water contamination at the Sites.

2. A Feasibility Study (FS) to evaluate possible remedial actions to remove or contain hazardous substances at the Sites.

In addition to the above studies, corrective measures may be necessary to protect health, welfare or the environment. These corrective measures may include, but not limited to:

1. Implementation of initial remedial measures or additional removal actions, e.g., securing the Sites to prevent human contact with hazardous or toxic substances, and/or removal of contaminated material.
2. Design and implementation of the EPA-approved remedial action for addressing any ground water, surface water, soil, sediment and air contamination.
3. Any monitoring and maintenance necessary after remedial measures have been completed.

By this letter, EPA wishes to determine whether you will voluntarily finance or perform the RI/FS for the Sites. If you intend to finance or perform the RI/FS, you must submit a written "good faith proposal" to EPA within 30 days of the date of your receipt of this letter.

In order for your proposal to be considered a good faith proposal, it must include the following elements:

1. A statement of the PRP(s)' willingness to conduct or finance the EPA approved RI/FS, including reimbursement of costs associated with third party oversight of the RI/FS;
2. The PRP(s)' comments, if any, on EPA's draft administrative order on consent (enclosed);
3. A demonstration of the PRP(s)' technical capability to carry out the RI/FS, including the identification of the firm(s) that may actually conduct the work or a description of the process the PRPs will use to select the firm(s);
4. A demonstration of the PRP(s)' ability to finance the necessary response actions; and
5. The name, address, and phone number of the individual(s) who will represent the PRP(s) in negotiations.

If EPA determines that a good faith proposal has been submitted within the thirty day period, then negotiations will be held for an additional period of up to sixty (60) days to finalize the agreement in an administrative order on consent. However, should EPA determine that a good faith proposal has not been submitted within thirty (30) days, EPA may thereafter initiate a federally-funded RI/FS at the Sites, the costs of which the PRP(s) may be held liable for under CERCLA. EPA also may take action under Section 106(a) of CERCLA to require you to carry out the necessary RI/FS.

Any agreement by the PRP(s) to conduct the RI/FS must be memorialized in an administrative order on consent under CERCLA. A draft of the consent order is enclosed herewith. Please note that many of the provisions of the consent order are nationally consistent boiler-plate provisions that the United States does not plan to negotiate.

You will note that the attached administrative order on consent includes provisions regarding the payment of EPA's past costs at the Sites. EPA has incurred at least \$ 1,032,894.03 in past costs as of May 8, 1999 and continues to incur costs. The costs incurred by EPA with respect to the Sites are charged to the Hazardous Substance Superfund, established pursuant to 26 U.S.C. § 9507 and administered by EPA. As PRP(s), you are potentially jointly and severally liable for EPA's costs, plus interest. Demand is hereby made for payment of EPA's costs.

Your response to this notice letter should be sent to:

Mr. Carl Howard
Assistant Regional Counsel
Office of Regional Counsel
New Jersey Superfund Branch
U.S. Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007-1866

with a copy to:

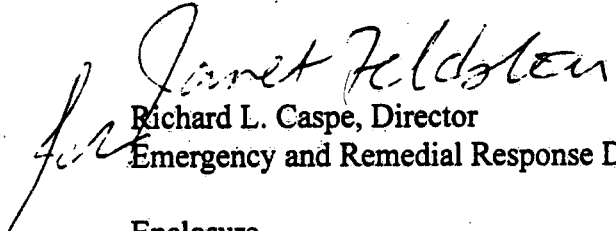
Mr. Emmet Keveney
Remedial Project Manager
New Jersey Remediation Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency
290 Broadway, 19th Floor
New York, NY 10007-1866

This notice is not being given under the special notice procedures of Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), as EPA does not believe that those procedures would facilitate an agreement or expedite remedial investigation at the Sites.

Please contact Mr. Carl Howard at (212) 637-3216 if you wish to discuss these matters in further detail or if you have any questions regarding this letter.

We appreciate your immediate attention to this matter.

Sincerely yours,


Richard L. Caspe, Director
Emergency and Remedial Response Division

Enclosure

cc: Ms. Lisa Rosman
Region 2 NOAA
Coastal Resource Coordinator

c/o EPA
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Mr. Andrew Raddant
Regional Environmental Officer
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Mr. Ernest Hahn, Bureau Chief
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bcc: Emmet Keveney, ERRD/NJRB w/encl.
Carl Howard, ORC/NJSUP w/encl. ✓
Thomas Budroe, EPA-ERRD w/encl.
Pat Evangelista, ERRD/NJRB w/o encl.
Janet Feldstein, ERRD/NJRB w/o encl.